REMARKS

Applicants appreciate the Examiner's reconsideration of the application. The application currently contains claims 11, 15, 20-23 and 25-32. Claims 11, 20 and 23 are independent claims.

The Examiner has rejected claims 11, 15, 20-23 and 25-32 under 35 U.S.C. 102 (e) as allegedly being anticipated by United States 2004/0035651 (Renauld), or in the alternative, under 35 U.S.C. 103(a) as allegedly being obvious over Renauld in view of United States 5,875,873 to (Kay et al.).

The Examiner states that Renauld is silent as to how the stems and the backing plate are fastened. While it is unclear how the shim and support are "fastened" from the sentence in paragraph 0040, Renauld states in paragraphs 0039 that "the anti-noise shim 21 is integral with the metal support 18: this integration can be achieved by bonding". The term "bonding" suggests that the shim 21 and the metal support 18 are glued together. Renauld uses pins 23 and lances 24 for positioning the shim relative to the metal support, but does not disclose use of the pins 23 and lances 24 for retaining the shim and the metal support. Renauld does not disclose, teach or suggest pins having an enlarged section for press-fitting or snap-in coupling of the shim and the metal support. Accordingly, Renauld does not anticipate claims 11, 15, 20-23 and 25-32 of the present application.

The Examiner states that Kay teaches connecting a shim to a backing plate through a snapping action. Applicants respectfully point out that Kay does not disclose any shim. Instead, Kay is directed to a mechanism of attaching anti-rattle springs 34, 36 to backing plates (column 3, line 26; column 1, line 56). These springs 34, 36 are used to "assist in decreasing any noise caused by rattling yet still maintain the brake pad assemblies in their proper orientation with respect to the disc 12 " (column 3, lines 37-40, emphasis are added). To this end, each anti-rattle spring 34, 36 has an elongated shape suitable for attachment at the peripheral edge of the backing plate for properly positioning the backing plate in relation to the disc, as best seen in Figures 3A and 3B of Kay. Kay's springs 34, 36 are not shims. A shim is a dampening device that dampens

vibrations of the brake pad during the engagement of the friction materials and the rotor. The shim has a flat shape generally corresponding to the back surface of the brake pad, as shown in Figure 1 of the present application. While both anti-rattle springs and shims have the effect of reducing noises, those skilled in the art clearly appreciate that anti-rattle springs and shims are separate and distinct components having different mechanisms and shapes.

Kay provides tabs 46 at the peripheral edge of the backing plate, which are inserted through openings 52 in the ends 48, 50 of the spring 34, as shown in Figures 3A and 3B. Because the anti-rattle springs are mounted at the peripheral edge of the backing plate, Kay had wide room to design the backing plate with a suitable peripheral edge shape to receive the springs as desired. In contrast, the inventors of the present application were facing and have solved the problem of attaching a shim to the back surface of a backing plate, where space constraints are stricter for proper assembling of the brake pad with other brake components. Kay did not face the same problems that the inventors of the present application have solved. Thus, Kay does not disclose, teach or suggest any mechanism for attaching a shim to a backing plate, or any coupler member formed on the back surface of the backing plate.

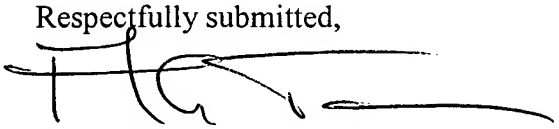
Applicants respectfully submit that those skilled in the art would not combine the teachings of Kay with Renauld to solve the problems of attaching a shim to a backing plate. If one were to attempt to combine Renauld and Kay, one would simply position a shim on a backing plate using a pin, and bond the shim and the backing plate as per Renauld, providing tabs at the peripheral edge of the backing plate for attaching an anti-rattle spring. This would still fail to achieve a backing plate having a coupler member on the back surface of the backing plate with a stem having an enlarged section adapted for press-fitting of a shim as recited in claims 11 and 23, and this would not achieve a friction system using such a coupler member as recited in claim 20. Therefore, Applicants believe that claims 11, 20 and 23 as well as their dependent claims 15, 21, 22, and 25-32 are unobvious and patentably distinguish over Renauld and Kay.

For the reasons explained above, Applicants submit that claims 11, 15, 20-23 and 25-32 are in condition for allowance. Early favorable examination is respectfully

requested. The Commissioner is hereby authorized to charge any fees which may be required for the Response, or credit any overpayment to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

In the event that an extension of time is required to make this Response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this Response timely and is hereby authorized to charge any fee for such an extension of time or credit an overpayment for an extension of time to Deposit Account No. 50-1561 of Greenberg Traurig, LLP.

Respectfully submitted,



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